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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,222	12/08/2003	Tong Zhu	08971.0008	2511
22852	7590	11/09/2009		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER YALEW, FIKREMARIAM A	
			ART UNIT	PAPER NUMBER
			2436	
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			11/09/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/730,222

Applicant(s)

ZHU, TONG

Examiner

Fikremariam Yalew

Art Unit

2436

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 12-22, 25-35 and 38-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12-22, 25-35 and 38-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to Applicant's amendment filed on 06/24/2009. Claims 1-51 are pending.
2. The examiner withdraws 35 USC 101 rejection based on the applicant claim amendment.

Response to Amendment

3. Applicant's arguments filed 06/24/2009 have been fully considered but they are not persuasive. The applicant argued that the prior art not teach or suggest "transmitting over the network an indication from a first node in the first gateway to the second node in the second gateway that a third node in the first gateway has failed; reconfiguring a first data, the first data initially configured to be transmitted over the network between the second node and the third node, to be transmitted over the network between a fourth node in the second gateway and the first node after the indication has been received by the second node".

The examiner disagree and points out the prior art teach transmitting over the network an indication from a first node in the first gateway to the second node in the second gateway that a third node in the first gateway has failed (See 0011,0044 and Fig 9(i.e., **R1 b, c R2 e, d, failure of the first RPR interface node "b"**) reconfiguring a first data, the first data initially configured to be transmitted over the network between the second node and the third node, to be transmitted over the network between a fourth node in the second gateway and the first node after the indication has been received by the second node (See 0011,0029-0030(i.e. **upon detection of the failure rerouting message**)).The examiner also interpreted **router 1(R1) and router 2(R2) as gateway 1 and gateway 2.**

Applicant also argued that the examiner failed to properly ascertain the scope and content of the cited references, failed to ascertain the differences between the claimed inventions and the prior art and failed to resolve the level of ordinary skill in the pertinent art. The examiner disagrees and points out that the 103 rejection is proper and maintains the previous 103 rejection and the ordinary person skilled in the art at the time of invention would have been motivated to do so because it's well known in the art using encryption method to protect data.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1,14,27,40-41,43,44-45,47,51 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al (hereinafter referred as Lee) US Pub No 2003/0012129.

6. As per claims 1, 14, 27: Lee teaches a method/system/computer-readable storage device for redirecting data in network, the network connecting a first gateway and a second gateway, the method comprising:

transmitting over the network an indication from a first node in the first gateway to the second node in the second gateway that a third node in the first gateway has failed (See 0011, 0044 and Fig 9(i.e., R1 b, c R2 c, d , failure of the first RPR interface node “b”)

reconfiguring a first data, the first data initially configured to be transmitted over the network between the second node and the third node, to be transmitted over the network between a fourth node in the second gateway and the first node after the indication has been received by the second node (See 0011, 0029-0030(i.e. upon detection of the failure rerouting message).

7. As per claims 40, 44, 48: Lee teaches the method wherein the first data is prioritized based upon message type and network destination (See 0009-0011).
8. As per claims 41, 45, 49: Lee teaches the method wherein the first data is reconfigured so that only the addresses of the first gateway and the second gateway are available to other users of the network (See 0009-0011).
9. As per claims 43, 47, 51: Lee teaches the method wherein the first data is reconfigured so that only allow the addresses of the first gateway and the second gateway are available to other users of the network (See 0009-0011).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2-9,12-13,15-22,28-35,38-39,42,46,50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al(hereinafter referred as Lee) US Pub No 2003/0012129 A1 in view of Jarosz (US Patent No 7000121 B2).

12. As per claims 2, 15, 28: Lee teaches claim 1 as recited above. Lee does not explicitly teach the method/ system/a computer-readable storage device of further comprising configuring the first node and the fourth node to send and receive encrypted data between the first node and the fourth node (See Jarosz col. 1 lines 32-45).

However Jarosz teaches the method/ system/a computer-readable storage device of further comprising configuring the first node and the fourth node to send and receive encrypted data between the first node and the fourth node (See Jarosz col. 1 lines 32-45).

Therefore it would have been obvious to one ordinary skill in the art at the time the invention was made to employ the teaching method of Jarosz within Lee method in order to secure communication. The ordinary person skilled in the art at the time of invention would have been motivated to do so because it's well known in the art using encryption method to protect data.

13. As per claims 3,16,29: the combination of Lee and Jarosz teach further the method/ system/a computer-readable storage device of further comprising configuring the first node and the fourth node to send and receive the encrypted data between the first node and the fourth node via a first tunnel (See Jarosz col. 1 lines 32-45).

14. As per claims 4,17,30: the combination of the combination of Lee and Jarosz teach further the method/ system/a computer-readable storage device further comprising using a security protocol to encrypt the data (See Jarosz col. 4 lines 32-52).

15. As per claim 5,18,31: the combination of Lee and Jarosz teach further teach the method / system/a computer-readable storage device of wherein the security protocol comprises at least

one of Secured Socket Layer (SSL), Secure HTTP (SHTTP), Private Communications Technology (PCT), and IP Security (IPSEC)(See Jarosz col. 4 lines 32-59).

16. As per claims 6,19,32: the combination of Lee and Jarosz teach further teach the method /system/a computer-readable storage device further comprising configuring the third node and the second node to send and receive encrypted data between the third node and the second node (See Jarosz col. 1 lines 32-40, col. 3 lines 52-58).

17. As per claims 7,20,33: the combination of Lee and Jarosz teach further teach the method/ system/a computer-readable storage device further comprising configuring the third node and the second node to send and receive the encrypted data between the third node and the second node via a second tunnel (See Jarosz col. 5 lines 38-63).

18. As per claims 8,21,34: the combination of Lee and Jarosz teach further teach the method/ system/a computer-readable storage device further comprising using a security protocol to encrypt the data (See Jarosz col. 4 lines 32-59).

19. As per claims 9,22,35: the combination of Lee and Jarosz teach further teach the method/ system/a computer-readable storage device wherein the security protocol comprises at least one of Secured Socket Layer (SSL), Secure HTTP (SHTTP), Private Communications Technology (PCT), and IP Security (IPSEC)(See Jarosz col. 4 lines 32-59).

20. As per claims 12, 25, 38: the combination of Lee and Jarosz teach further teach the method/system/a computer-readable storage device of wherein transmitting over the network the indication further comprising using Internet Key Exchange (IKE)(See Jarosz col 4 lines 32-59).

21. As per claims 13, 26, 39: the combination of Lee and Jarosz teach further teach the method/ system/a computer-readable storage device of wherein the network comprises the Internet (See Jarosz Fig 2 step 3).

22. As per claims 42, 46, 50: the combination of Lee and Jarosz teaches the method wherein the security protocol is configured to only allow the addresses of the first gateway and the second gateway to be available to other users of the network (See Jarosz 0009, 0011).

Conclusion

23. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fikremariam Yalew whose telephone number is 5712723852. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moazzami Nasser, can be reached on 5712738300. The fax phone number for the organization where this application or proceeding is assigned is 571-272-4195.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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11/4/2009

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2436